

# Exhibit A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Carpenter <i>et al.</i>	Confirmation No.	5405
Application No.:	09/769,670	Group Art Unit:	2831
Filed:	01/25/2001	Examiner:	Patel, Dhirubhai R.
For:	Grounding System for Floating Roofs in Flammable Storage Tanks	Attorney Docket:	RM26ii

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AFFIDAVIT**

Dear Sir:

I, Roy B. Carpenter, Jr., am the Chief Executive Officer for Lightning Eliminators & Consultants, Inc. ("LEC"). LEC is the owner of record of the assigned interests in the subject application. I am also a co-inventor of the claimed invention.

LEC developed a Retractable Grounding Assembly ("RGA") corresponding to the invention claimed in the subject patent application. In early 1999, during a round-the-world business trip, I stopped in Israel. I visited the Ashdod Refinery in Israel and discussed the problem of grounding floating tank roofs with the refinery's Chief Engineer. I introduced the RGA, which LEC was developing at the time, to the Chief Engineer. The Chief Engineer offered to test LEC's prototype RGAs at the sites he managed. I quoted to the Chief Engineer a token cost estimate, and he agreed in principle to this estimate. This entire exchange took place during one day on the premises of the Ashdod Refinery.

The Chief Engineer later confirmed the agreement to purchase prototype RGAs through our agent, Balass Brothers Limited ("Balass"), of Kfar Shmaryahu, Israel. LEC entered into this agreement so that LEC could test the performance of the RGA.

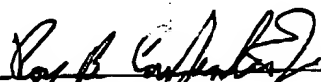
In April of 1999, I traveled to Israel to conduct site surveys to determine the quantity and configuration of prototype RGAs to be installed at the Gilot and Ashdod Refineries in Israel. Please refer to Sales Order 0990242 ("Exhibit A") for confirmation. Exhibit A shows an order date of April 20, 1999. It also confirms that I was to conduct site surveys in Israel in April, 1999. Sales Order 0990242 was updated on June 1, 1999 ("Exhibit B") to reflect surveys of four additional sites that I also conducted in April 1999.

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Based on my findings during these site surveys, I concluded that the sites in Israel required a total of twenty-one prototype RGAs. Thus, Balass formally ordered twenty-one prototype RGAs on July 28, 1999 on behalf of the tank farm owners. As shown on page 3 of Sales Order 0990479 ("Exhibit C"), thirteen prototype RGAs were shipped to Balass in Israel on September 28, 1999. The remaining eight prototype RGAs were shipped to Balass in Israel on October 28, 1999. Sales Order 0990479 ("Exhibit D") was updated to show the order for twenty-one prototype RGAs had been completed by October 28, 1999.

In summary, LEC sold twenty-one prototype RGAs to Balass in Israel in 1999. The prototype RGAs were not in public use, offered for sale, or sold in the United States.

Respectfully submitted by,

  
\_\_\_\_\_  
Roy B. Carpenter, Jr.

Chief Executive Officer

\_\_\_\_\_  
Title

September 22, 2005

\_\_\_\_\_  
Date

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\*\*\*\* SALES ORDER \*\*\*\*

PAGE: 1

Lightning Eliminators & Consultants  
6687 Arapahoe Road  
Boulder, CO 80303  
(303) 447-2828

ORDER NUMBER: 0990242  
ORDER DATE: 04/20/99  
SHIP DATE: 04/30/99

SOLD TO: CUST #:BALASS  
BALASS BROTHERS LTD.  
68 HAHORESH ST  
KFAR SHMARYAHU  
46910  
ISRAEL

SHIP TO:  
BALASS BROTHERS LTD.  
68 HAHORESH ST  
KFAR SHMARYAHU  
46910  
ISRAEL

(972) 995-1335 97299513355  
CONFIRM TO: VANIA BALASS

97299513355

CUSTOMER P.O. 01/99	SHIP VIA BEST WAY	F.O.B BOULDER	TERMS Net 30		
ITEM NO	DESCRIPTION	UNIT	QTY	PRICE	AMOUNT
/SITE SURV	SITE SURVEY	EACH	1	25,000.00	25,000.00

SITE SURVEY FOR TWO PI GLILOT OIL TERMINALS &  
PIPE LINES SITES IN GLILOT AND [ASHDOD.]

ROY TO DO SITE SURVEYS LAST WEEK OF APRIL 1999.

NET ORDER: 25,000.00  
LESS DISCOUNT: .00  
FREIGHT: .00  
SALES TAX: .00  
ORDER TOTAL: 25,000.00

SALESPERSON: 2004 BALASS BROTHERS LIMITED

SALES INITIALS: RBC/AC